

Appl. No. 10/656,615
Amdt dated May 22, 2006
Reply to Office Action of December 20, 2005

Atty. Ref. 89296.0055
Customer No. 26021

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a two month extension of the period for response to the office action mailed on December 20, 2005 is enclosed. Since May 20, 2006 was a Saturday, the extended period for response expires on Monday, May 22, 2006.

Claim Status

Claims 1-23 are pending. Claims 1, 6, 9, 14 and 19 are amended.

Claim Rejections – 35 USC 102(b)

Claims 1, 6, 9 and 14 are rejected under 35 USC 102(b) as anticipated by Reich (US 4,489,770). In response, claims 1, 6, 9 and 14 are amended to clearly distinguish over Reich.

Claims 1, 6 and 9

In the present invention, a portion of the cone forward portion 38 of transducer 32 is secured between flange 36 and an intermediate step or surface of baffle 34, thereby securing transducer 32 to baffle 34. Thus, a "cone forward" layout is provided while allowing transducer 32 to be rear mounted by flange 36. As explained in applicant's specification, the ability to provide a cone forward position while being rear mounted avoids the need to route out baffle 34 in order to provide a place for transducer 32 to sit. Independent claims 1, 6 and 9 are amended to specify this mounting configuration. In particular, claims 1, 6 and 9, as amended, recite:

...at least one transducer mounted to said baffle by a flange that secures a portion of said mounted transducer between said flange and a surface of said baffle...

Reich is not configured in this manner. Reich provides a waterproof bag 13 for holding a speaker 15. Speaker 15 projects through an aperture 45 formed in wall 17 of bag 13. As described by Reich in column 3, lines 33-37, and best seen in Fig. 4, a peripheral region 51 of wall 17 is clamped between an annular flange 53 of

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speaker 15 and annular mounting ring 55. Flange 53 and ring 55 *are held together by a plurality of threaded fasteners 57.*

Thus, Reich's wall 17 is secured between ring 55 and speaker 15, and threaded fasteners are required to secure ring 55 to speaker 15. There is no portion of speaker 15, as is required by applicant's claims 1, 6 and 9, that is secured between ring 55 and wall 17. Thus, Reich requires additional fasteners, which are not required in applicant's configuration. A close comparison of applicant's Figure 3 and Reich's Figure 4 reveals this critical difference.

Claim 14

Claim 14, as amended, requires that the outermost face of the transducer be flush with the outermost surface of the baffle. This is particularly important where the loudspeaker assembly is decoratively configured so as to blend in with its environment. See, for example, the illustrative configurations of Figure 4 where assembly 30 may appear as a rock or a tree stump. In such configurations, if the outermost face of the transducer is not flush with the outermost surface of the baffle, the aesthetic and decorative appearance of the assembly would likely be diminished.

Reich clearly does not disclose such a configuration. The flange portion 53 of speaker 15 extends far beyond the outermost surface of wall 17, as does the outwardly projecting speaker face 47. Thus, Reich does not disclose a transducer whose outermost face is flush with the outer surface of a baffle in which it is mounted.

Since Reich does not disclose each and every element of claims 1, 6, 9 and 14, as amended, it cannot anticipate those claims. The rejections under 35 USC 102(b) should be withdrawn.

Claim Rejections - 35 USC 103(a)

Claims 2-5, 7, 8, 10-13 and 15-23 are rejected under 35 USC 103(a) as obvious over Reich. Claims 2-5, 7-8, 10-13 and 15-18 depend, respectively, from claims 1, 6, 9 and 14. As discussed above, Reich completely fails to disclose or suggest

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limitations of these independent claims, as amended. Thus, claims depending therefrom cannot be rendered obvious by the same reference.

Claim 19 has been amended in similar fashion to claim 14. That is, claim 19 is amended to recite that an outermost face of the transducer is flush with an outermost surface of the baffle. As discussed above, Reich clearly does not disclose or suggest such a configuration; Reich's transducer components extend far beyond wall 17. Thus, claim 19 and claims 20-23 depending therefrom are also not rendered obvious by Reich.

For these reasons, the rejections of claims 2-5, 7, 8, 10-13 and 15-23 under 35 USC 103(a) should be withdrawn.

Claims 19-21 are rejected under 35 USC 103(a) as obvious over Reich in view of Fulcher (US 5,802,197). Fulcher is cited for its disclosure of a grille 14 and grille frame 12. It does not disclose that the outermost face of the transducer is flush with the outermost surface of the baffle, as is required by independent claim 19. Thus, the rejections of claims 19-21 under 35 USC 103(a) should be withdrawn.

Conclusion

This application is in condition for allowance. The Examiner is urged to telephone the undersigned to resolve any issues that remain after consideration of this reply. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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